

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENNSYLVANIA GEAR CORPORATION,)	
Plaintiff)	
)	
v.)	No. 02 cv 4359
)	
ACSA STEEL FORGINGS, S.p.A.,)	
Defendant)	TRIAL BY JURY DEMANDED

DEFENDANT'S RESPONSE IN OPPOSITION TO MOTION TO REMAND

AND NOW, the Defendant, ACSA Steel Forgings, S.p.A., by and through its attorneys, ELDERKIN, MARTIN, KELLY & MESSINA, files the following Response in Opposition to Motion to Remand of Plaintiff Pennsylvania Gear Corporation, respectfully representing as follows:

1. Paragraph 1 of the Motion is admitted.
2. Admitted in part and denied in part. It is admitted that the complaint seeks recovery for damages allegedly suffered. It is denied that ACSA converted tooling equipment manufactured for Penngear and that Penngear suffered any damages. Penngear's complaint is a document which speaks for itself. Penngear's complaint alleges two causes of action and when aggregated, the amounts demanded by Penngear exceed \$75,000.00.
3. Paragraph 3 of the Motion is admitted.

4. Paragraph 4 of the Motion is admitted. The notice of removal is a document which speaks for itself.

5. Paragraph 5 of the Motion is admitted.

6. Denied. It is denied that this matter does not meet the amount in controversy requirement for diversity of citizenship set forth in 28 U.S.C. § 1332.

7. The averments of Paragraph 7 are conclusions of law to which no response is required. By way of further answer, Penngear's complaint is a document which speaks for itself. Penngear's complaint alleges two causes of action and when aggregated, the amounts demanded by Penngear exceed \$75,000.00.

8. The averments in Paragraph 8 are conclusions of law to which no response is required. To the extent that an answer is required, the averments are denied. This Honorable Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

WHEREFORE, ACSA respectfully requests that this Honorable Court enter an order denying Plaintiff's motion to remand.

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on the _____ day of October, 2002, I served a copy of the Response in Opposition to Motion to Remand on the following individuals and in the manner indicated below:

U.S. First Class Mail, Postage Prepaid:

John G. Richards, II, Esquire
350 Sentry Parkway, Building 640
Blue Bell, Pennsylvania 19422

Attorney for Plaintiff

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

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